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Attorneys for Plaintiff, the United States of America

IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

CHARLES CATHCART *et al.*

Defendants.

Civil No. 3:07-cv-4762-PJH

**APPLICATION FOR DEFAULT
 JUDGMENT AGAINST DERIVIVUM
 CAPITAL USA, INC.**

Notice: *No hearing requested*

The United States of America respectfully requests that the Court enter a default judgment against Defendant Derivium Capital (USA), Inc., (“Derivium USA”) for its failure to answer or otherwise respond to the Complaint.

1 In support of this request, the United States alleges as follows:

2 1. On October 10, 2007, Derivium USA's registered agent, Corporation Service
3 Company, was served as set forth in Rule 4(h)(1)(B) of the Federal Rules of Civil Procedure. *See*

4 2. On October 10, 2007, Derivium USA was served by leaving the summons and copy of
5 the complaint with Jody Wiley, a legal assistant employed by Corporation Service Company, who
6 is over eighteen years of age.

7 3. Under Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, Derivium USA had
8 twenty days from October 10, to answer or otherwise respond to the Complaint. This time period
9 expired on October 30, 2007.

10 4. To date, Derivium USA has neither filed nor served an answer or other response to the
11 Complaint.

12 *Application for Entry of Default*
13 Case No. 07-4762-PJH

14
15 December 17, 2007

16 Respectfully submitted,

17 SCOTT N. SCHOOLS
18 United States Attorney

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20 /s/ Allyson B. Baker
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Attorneys for the United States

28 *Application for Entry of Default*
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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Farley J. Neuman (fneuman@jgn.com)
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Attorneys for Defendant, Robert Nagy

I further certify that on December 17, 2007, service of the foregoing was made upon the following by depositing a copy in the United States mail, postage prepaid:

Yuri Debevc (*pro se*)
1483 Burningtree Road
Charleston, SC 29412

/s/ Allyson B. Baker
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